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DATE FILED: 7-29-13

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WENDELL L. JENKINS,

Plaintiff,

-against-

CAPTAIN CHRISTOPHER, et al.,

Defendants.

No objections having been filed, and the Court having determined there is no clear error in the Report and Recommendation, the Court adopts Magistrate Judge Peck's recommendation. The case is dismissed on the grounds that it has been abandoned, without prejudice. The Clerk of Court is directed to close the case. Pursuant to 28 U.S.C 1915(a), I find that any appeal from this order would not be taken in good faith. So Ordered. Copies Mailed By Chambers.

12 Civ. 3038 (PAC) (AJP)

REPORT AND RECOMMENDATION

7-29-13
SO ORDERED:

HON. PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE
"Copies Mailed By Chambers"

ANDREW J. PECK, United States Magistrate Judge:

To the Honorable Paul A. Crotty United States District Judge:

On March 11, 2013, plaintiff was ordered to file a Second Amended Complaint by April 13, 2013. (3/11/13 Conf. Tr. at 9.) He has not done so. On May 16th, the Court directed plaintiff to "show cause by May 30, 2013 as to whether he intended to pursue this case" and further directed that if plaintiff did not respond, "I will recommend that this case be dismissed for failure to prosecute." (Dkt. No 17: 5/16/13 Order to Show Cause.) Plaintiff has not responded to that Order.

Accordingly, the Court should dismiss this action for plaintiff's failure to prosecute and failure to obey Court orders.

FILING OF OBJECTIONS TO THIS REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days from service of this Report to file written objections. See also Fed. R. Civ. P. 6. Such objections (and any responses to objections) shall be filed with the Clerk of the Court, with courtesy copies delivered to the chambers of the Honorable Paul A. Crotty, 500 Pearl Street, Room 735, and to my chambers, 500 Pearl Street, Room 1370.

MEMO ENDORSED